

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 3-4, 6, 9 and 11-15 are presently active in this case.

In the outstanding Office Action, Claims 3-4, 6, 9 and 11-15 were rejected under 35 U.S.C. §102(e) as anticipated by Cok (U.S. Patent No. 6,865,550). Claim 10 was rejected under 35 U.S.C. §103(a) as unpatentable over Cok.

In response to the rejection of Claims 3-4, 6, 9 and 11-15 under 35 U.S.C. §102(e), Applicants respectfully request reconsideration of this rejection and traverse the rejection, as discussed next.

Applicants' invention, as recited in independent Claim 3, relates to a data recording medium, including a medium identification information unique to the data recording medium recorded on the data recording medium. The data recording medium further includes:

a plurality of programs recorded on the data recording medium, wherein the medium identification information includes *information with which one of the plurality of programs is designated*; and *a starting program*, recorded on the data recording medium, *configured to cause the program designated with the medium identification information to automatically start*.

Applicants respectfully submit that Cok fails to teach or suggest a starting program, recorded on the data recording medium, *configured to cause a program of the plurality of programs, designated by the medium identification information, to automatically execute*. The outstanding Office Action asserts that Cok discloses a feature regarding the claimed starting program and points out to Cok at column 5, lines 40-45 and lines 49-53.¹ In this passage, Cok teaches that "digital data can contain instructions or a transferred program 56 (FIG. 2) for matching the identifiers."² Cok further recites "the program *can be instructed* to

¹ See the outstanding Office Action at page 2, lines 12-18.

² See Cok at column 5, lines 39-41.

allow direct access to the data" (emphasis added) and explains that another program may access the data stored on the optical medium without using the program 56.

Cok does not disclose or suggest a starting program which automatically executes a program of a plurality of programs based on identification information.³ Cok merely allows another device or program to access data recorded to a disc. As explained by Cok at column 5, lines 39-58, the instructions in form of a program 56 can be used to verify the identifiers or can be used to suppress or mask data formats. Cok merely describes instruction code on an optical medium for matching identifiers.

Independent Claim 6 recites similar features in the context of a program starting method, these features being analogous to the features recited in independent Claim 3, by reciting "selectively executing a program *corresponding to the type that the medium identification information represents, the execution being actuated by a starting program recorded on the recording medium.*" Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of Claim 6, and all associated dependent claims, are also believed to be overcome in view of the arguments regarding independent Claim 1.

Therefore, the applied reference fails to disclose or suggest every feature recited in Applicants' claims, so that Claims 3-4, 6, 9 and 11-15 are patentably distinct over Cok, and therefore Applicants respectfully traverse, and request reconsideration of, the rejection based on Cok.⁴

Should the Examiner continue to disagree with the above distinctions, Applicants respectfully request that the Examiner provide an explanation via Advisory Action

³ See Cok at column 4, lines 51-57.

⁴ See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

pursuant to M.P.E.P. §714.13 specifically rebutting the points raised herein for purposes of facilitating the appeal process.

Please note in accordance with the discussion herein, should the rejections in the Official Action of October 27, 2005 be maintained, Applicants intend to request a Pre-Brief Appeal Conference in accordance with the pilot program outlined in the Official Gazette Notice of July 12, 2005.

Consequently, in view of the present Request for Reconsideration, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 3-4, 6, 9 and 11-15 is earnestly solicited.

Respectfully submitted,

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